



Docket No.: 1293.1701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sang-am LEE

Confirmation No. 4707

Serial No. 10/628,468

Group Art Unit: 2627

Filed: July 29, 2003

Examiner: Parul H. GUPTA

For: METHOD OF AND APPARATUS FOR RECORDING DATA IN VARIOUS RECORDING FORMATS ON AN OPTICAL STORAGE MEDIUM, METHOD OF AND APPARATUS FOR REPRODUCING THE DATA, AND AN OPTICAL STORAGE MEDIUM ON WHICH THE DATA IS RECORDED

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application No amendments are being filed with this request.

The request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-12-07

By: Michael E. Kondoudis
Michael E. Kondoudis
Registration No. 42,758

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501



Reasons for Request for Review

Status of claims

All of the pending independent claims stand finally rejected. Independent claims 1, 4, 18, 47, and 49 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5, 825,726 (Hwang). Independent claims 28, 32, 36, and 51 stand rejected under 35 U.S.C. § 103 as unpatentable over the combination of U.S. Patent No. 5,754,248 (Faroudja) and Hwang.

Reason Number 1

The final rejection under § 102 is not proper it is based on alleged teachings that are not present in Hwang. Specifically, the Office Action contends that Hwang teaches recording data using different recording formats onto a single disc. Applicant submits that no such teaching is present.

Independent claim 1 recites: "...selecting a disc recording format from a plurality of disc recording formats to record the data on the optical storage medium independent of a type of the optical storage medium...."

Independent claim 4 recites: "...selecting separate ones of the plurality of disc recording formats for each of the corresponding data to record each of the data on the optical storage medium; recording each of the data on the optical storage medium in the corresponding selected disc recording formats...."

Independent claim 18 recites: "...an area on which a plurality of data are recorded in various corresponding disc recording formats...."

Independent claim 47 recites: "...selecting a disc recording format from a plurality of disc recording formats to record the data on the optical storage medium; recording the data on the optical storage medium in the selected disc recording format...selecting another one of the plurality of disc recording formats for additional data to be recorded on the optical storage medium; recording the additional data on the optical storage medium in the corresponding another selected disc recording format...."

Independent claim 49 recites: "...reading disc recording format information corresponding to selected data from an information area of the optical storage medium

distinguished from a plurality of disc recording format information corresponding, respectively, to unselected data....”

By these various aforementioned features, multiple data formats, which conventionally require separate, respective disc formats and therefore separate discs, can be employed on a single optical storage medium.

In the final Office Action mailed November 13, 2006 (the Final Office Action), the Office reaffirmed its positions that:

- (i) Hwang clearly discloses various types of recording formats in column 2, lines 16-22;
- (ii) these formats are used regardless of the type of optical media, such as recordable CDs (CD-R or read only CDs (CD-ROM); and
- (iii) Hwang specifically teaches different formats being recorded to the same medium in a multi-session recording.

(Final Office Action, page 19).

Applicants concede that Hwang teaches that data can be recorded onto compact discs using various formats such as CD-DA, CD-ROM, CD-I, CD-ROM/XA. (See Hwang, e.g., at col. 1, lines 23-32 and col. 2, line 22).

Applicants repeat, however, that absent from Hwang is any support for the Office’s contention that “Hwang et al. specifically teaches different formats being recorded to the same medium in a multi-session recording.”

In Hwang, multiples formats (CD-DA, CD-ROM, CD-I, and/or CD-ROM/XA) are not used to record data onto the same disc. Instead, a single one of these formats that is desired by a user is selected by the user and is then used to record onto a single type of disc. This recording can be by a single session or by multiple sessions. (See Hwang, e.g., at col. 3, lines 52-56). But, regardless of how many sessions are used, a review of the cited portions of Hwang in context reveals that Hwang still teaches that only one disc format can be employed for a given disc.

Thus, Hwang cannot anticipate independent claims 1, 4, 18, and 47.

Reason Number 2

The final rejection under § 103 is not proper it is based on alleged disclosures that are not present in the secondary citation to Hwang. Specifically, the Office Action relies on Hwang for the necessary disclosure of recording data using different recording formats onto a single disc. Applicant submits that no such disclosure is present and thus, the asserted combination is deficient.

Independent claim 28 recites: "...the first region includes another disc recording format information regarding another one of the plurality of different disc recording formats, and the second region has other data encoded in the another one of the plurality of different disc recording formats."

Independent claim 32 recites: "...a controller which determines a disc recording format selected from a plurality of different disc recording formats and which corresponds to a selected one of the data, controls the data converter to convert the received one of the encoded data and the data according to the determined one of the plurality of different disc recording formats, and controls the pickup to optically transfer the encoded data, wherein the controller further determines another disc recording format from the plurality of different disc recording formats and which corresponds to a selected another one of the data from the optical storage medium, and controls the converter to convert the received one of the selected another data and the encoded data according to the determined another one of the plurality of different disc recording formats."

Independent claim 36 recites "...a controller which determines a disc recording format selected from a plurality of different disc recording formats and which corresponds to a selected one of the data, controls the data converter to convert the received one of the encoded data and the data according to the determined one of the plurality of different disc recording formats, and controls the pickup to optically transfer the encoded data, wherein the plurality of different disc recording formats includes disc recording formats for at least two of digital versatile disk (DVD) data, MP3 data, video CD (VCD) data, MPEG4 data, video recording (VR) data, MPEG2 data, audio compression 3 (AC3) data, and linear pulse code modulation (LPCM) data."

Independent claim 51 recites: "...wherein the first disc recording format is independent of a type of the optical storage medium on which the encoded data is recorded, and the optical storage medium is of the type having a second disc recording

format not compatible with the first disc recording format.”

Faroudja discloses a “universal” recording and transmission system in which both 24 fps (or 25 fps) motion picture film sources and non-film interlaced or progressively-scanned video sources, employing any one of several international television standards (e.g., NTSC, PAL, HDTV/ATV, etc.), are all recorded or transmitted as progressively-scanned video at a nominal frame rate of 24 or 25 frames per second (i.e., 24 Hz or 25 Hz). (See Faroudja, e.g., at Abstract, and col. 2, lines 19-28). Additionally, Faroudja discloses recording and reproducing coded bit streams on and from a recording medium with sufficient bandwidth, including DVDs. (See Faroudja, e.g., at col. 3, lines 5-14).

The Final Office Action concedes that Faroudja does not disclose the features of independent claims 28, 32, 36, and 51 by which multiple data formats can be employed on a single optical storage medium. (Final Office Action, pages 17). Nonetheless, the Office rejects these claims contending that Hwang provides the necessary disclosures of these features. (Id.).

However, as explained above, Hwang still teaches that only one disc format can be employed for a given disc.

Thus, Hwang does not remedy the admitted deficiency in the disclosures of Faroudja.

For this reason, the rejection of independent claims 28, 32, 36, and 51 under 35 U.S.C. § 103 is deficient.